

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RHONDA LANNING)
)
v.) NO. 3-11-0217
) JUDGE CAMPBELL
TENNESSEE PRISON FOR WOMEN,)
et al.)

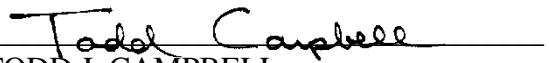
ORDER

Pending before the Court is a Report and Recommendation of the Magistrate Judge (Docket No. 42), to which no Objections have been filed. The Court has reviewed the Report and Recommendation and the file. The Report and Recommendation is adopted in part and rejected in part.

The Motion to Dismiss of Defendant Tennessee Prison for Women (Docket No. 18) is GRANTED because Tennessee Prison for Women is not a “person” within the meaning of 42 U.S.C. § 1983. The Court rejects the analysis of the Magistrate Judge which opines that state agencies¹ have immunity from claims seeking injunctive relief. *See, e.g., Ex Parte Young*, 209 U.S. 123 (1908); *League of Women Voters of Ohio v. Brunner*, 548 F.3d 463, 474 (6th Cir. 2008).

Plaintiff’s claims against the Tennessee Prison for Women are DISMISSED.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE

¹ The Tennessee Prison for Women, of course, is not a state agency.